

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JEFFREY ZINK, *on behalf of himself*
and all other similarly situated,

Plaintiff,

v.

ORDER
13-CV-1076-A

FIRST NIAGARA BANK, N.A.,

Defendant.

This action was referred pursuant to 28 U.S.C. § 636(b)(1) to Magistrate Judge Jeremiah J. McCarthy for pretrial proceedings. On December 11, 2014, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 81) that recommends that defendant First Niagara Bank N.A.'s motion for leave to amend its answer (Dkt. No. 70) be denied as to defendant First Niagara's proposed Eleventh and Twelfth Defenses.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation (Dkt. No. 81), defendant First Niagara's motion for leave to amend its answer (Dkt. No. 70) is denied as to defendant's proposed Eleventh and Twelfth Defenses.

The matter remains committed to Magistrate Judge McCarthy for pretrial

proceedings.

SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: January 30, 2015